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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,516	11/06/2003	I-Wen Liu	AMI-2607	7368
7590	04/04/2006		EXAMINER	
I-Wen Liu P.O. Box 90 Tainan City, 704 TAIWAN			FIDEI, DAVID	
			ART UNIT	PAPER NUMBER
			3728	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/701,516

Applicant(s)

LIU, I-WEN

Examiner

David T. Fidei

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10,13 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10,13 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 10, 13 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following language lacks antecedent basis;
 - Claim 10, line 3, “the exsiccator bag”.
 - Claim 13, line 2, “the top end of the bag”.
 - Claim 16, “the adhesive paper sheet”.

In claim 16, the scope of the claim is unclear as subject matter is claimed (the adhesive paper) that is omitted. Therefore it appear as though article structure is not further defined to further limit the claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 10 and 16 are rejected under 35 U.S.C. 102(a) as being anticipated by Japanese document 2002-332072. A bag for moisture removal is disclosed comprising an exsiccator pack 16 and a bag 11 enclosing the exsiccator pack that is provided with a plurality of through holes defined by film 14 defined in the abstract translation to have a plurality of pores.

As to claim 16, the bag for moisture removal is claimed as sealed in a vacuum bag. However, this relates to the manner in which the product is made similar to a product-by-process limitation. This limitation is of no patentable moment.¹

5. Claims 10 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese abstract from document 09-215648. Bags for moisture removal is disclosed comprising an exsiccator pack "A" and a bag 11 enclosing the exsiccator pack that is provided with a plurality of through holes 4 define as set forth in the abstract translation.

As to claim 16, the bag for moisture removal is claimed as sealed in a vacuum bag. However, this relates to the manner in which the product is made similar to a product-by-process limitation. This limitation is of no patentable moment.

6. Claims 10 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese abstract from document 09-215648. A bag for moisture removal is disclosed comprising an exsiccator pack 5 and a bag 11 enclosing the exsiccator pack that is provided with a plurality of through holes 1 define as set forth in the abstract translation.

As to claim 16, the bag for moisture removal is claimed as sealed in a vacuum bag. However, this relates to the manner in which the product is made similar to a product-by-process limitation. This limitation is of no patentable moment.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

¹ Just falling short of finding that process recitations do not constitute article claim limitations, the Federal circuit affirmed that process limitations are of no patentable weight once a product is fully disclosed, In *SmithKline Beecham Corp. v. Apotex Corp.*, No. 04-1522 (Fed. Cir. February 24, 2006). See also, *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991).

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 10 above, and further in view of Kaldenbaugh (Patent no. 4,948,267). The difference between the claimed subject matter and the prior art resides in the end of the bag including at least one hole reinforced inner rim for hanging.

Kaldenbaugh teaches such as 22 shown with an inner rim that is reinforced as is well known in the art, see col. 2, lines 26, 27. It would have been obvious to one skilled in the art at the time the invention was made to modify the bags of the prior art by constructing a reinforced hole as taught by Kaldenbaugh, in order to permit suspension from a hook or hanger.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David T. Fidei whose telephone number is (571) 272-4553. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571) 272-4562. The Official Fax number to file responses to this Office Action is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'D. Fidei', is positioned above the printed name.

David T. Fidei
Primary Examiner
Art Unit 3728

Dtf

March 19, 2006